

REMARKS

These remarks are directed to the office action mailed July 13, 2007, setting a three month shortened statutory period for response set to expire on October 13, 2007. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Claims 29-44 have been canceled and new claims 69 through 81 are added by this Amendment. These new claims are believed to be allowable over the prior art. Prompt reconsideration is requested in view of the above claim amendments and the following remarks. As indicated, amendments introduce no new matter.

Claim Rejections under 35 USC § 102

Claims 29-44 have been canceled rendering all of the present rejections moot. New claims 69 through 81 are believed to be patentably distinguished from all of the cited references either taken alone or in any combination. Support for new claims 69-81 is found in Applicants' specification at paragraphs 38-67.

Independent claims 69 and 81 recite systems having,

“...a motion causing device for assisting the at least one joint in movement, said motion causing device following the protocol implemented by the controller...”

Meyer teaches a device for investigating muscle contraction. As such, the Meyer device only records measurement values obtained from sensors and does not teach or suggest having a motion causing device for *assisting joint movement*. The electric motor (9) disclosed in Meyer is not for assisting joint movement but part of a *counterforce means* for “providing a counterforce against the force of the muscle during the period of muscle contraction.”

Applicants submit that the Meyer device is directed towards an entirely different purpose than Applicants' invention and consequently does not include all the limitations and elements of

independent claims 69 and 81. Therefore, independent claims 69, 81 and the claims dependent thereon are patentable under 35 USC § 102.

Claim Rejections under 35 USC § 103

Grove teaches a device for exercising a patient's foot. The Grove device automatically flexes a patient's foot, but *does not allow or detect self-actuation of the joint*. Wood et al. teaches a device for controlling software with detected muscle contractions and joint movements. *There is no motion causing device*.

None of the cited references teach or suggest a motion causing device that follows a "...protocol implemented by the controller when self-actuation is not detected by the at least one joint position sensor" or a "...protocol implemented by the controller when self-actuation is detected by the at least one EMG sensor but is not detected by the at least one joint position sensor." Therefore combining Grove, Wood, and the aforementioned Meyer in any manner does not result in the claimed limitations and elements of independent claims 69 and 81.

Applicants submit that independent claim 69, 81 and the claims thereby dependent thereon are not obvious and are therefore patentable under 35 USC §103. The examiner is therefore respectfully requested to reconsider and now withdraw the examiner's rejection.

In view of the above, it is respectfully submitted that this application is now in good order for allowance, and such early action is respectfully solicited. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone Applicants' undersigned attorney.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 058482-010101 is referred to when charging any payments or credits for this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher Darrow", written over a horizontal line.

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